

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE:
MATTHEW SCOTT HILLIARD
PAMELA RAE HILLIARD

CASE NO. 14-50229
CHAPTER 13

Debtors

TRUSTEE'S RECOMMENDATION REGARDING CONFIRMATION

This day comes the Trustee and recommends to the Court as follows:

- 1 The debtor is NOT current on plan payments. The default is in the amount of **\$1,004.00** including the **March 2015** payment. The Trustee cannot recommend confirmation with payments in default.
- 2 The following are issues that need to be resolved prior to confirmation:
 - JPMorgan objects on the basis that the plan understates its pre-petition arrearage.
 - United Bank objects on the basis that the plan significantly understates the amount owed.
 - The plan does not provide for POC 6 filed by Cavalry spv secured by an ATV.
 - The Trustee can not recommend confirmation while the plan payments are in default.
 - The Trustee objects to the failure of the plan to make the noticed distribution. The plan has a negative cash flow.
 - WVSTD has objected to the plan on the basis that it fails to provide for its claim.
- 3 The plan does not provide for treatment of any claim in Class Four.
- 4 The trustee is making adequate protection payments to the following creditors:

Claim No.	Name	Amount Paid to Date
011	JPMORGAN CHASE BANK NA	\$5,772.64
003	UNITED BANK INC.	\$322.70
004	UNITED BANK INC.	\$279.49

- 5 The debtor has disclosed no domestic support obligation.

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6 The debtor has submitted to the trustee the tax returns required by 11 U.S.C. §§ 521 and 1308.

WHEREFORE, for the reasons indicated above, the trustee

- does not recommend confirmation.

/s/ Susan Cannon-Ryan

State Bar No. 2637

Susan Cannon-Ryan, Staff Attorney

State Bar No. 619

Chapter 13 Trustee

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South Charleston, WV 25303

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached document was served upon the following parties in interest on the date this document was filed with the Court by the method shown below. Service by mailing a true copy via U.S. first class mail with postage pre-paid.

MATTHEW SCOTT HILLIARD
P.O. BOX 724
BRADLEY, WV 25818

PAMELA RAE HILLIARD
P.O. BOX 724
BRADLEY, WV 25818

Those parties who requested electronic service by filing notice with the clerk's office were served by electronic transmission.

/s/ Susan Cannon-Ryan
Helen M. Morris, Trustee
State Bar No. 2637
Susan Cannon-Ryan, Staff Attorney
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